

REMARKS

Claims 5-8 are pending. Claims 9-31 have been added. Claims 5-31 will therefore be pending upon entry of the proposed amendments.

Claims 5 and 6 have been amended as follows. Applicants have removed the phrase "or inhibiting" and deleted each occurrence of the term "benzoyl." Applicants have also deleted each occurrence of the term "benzoyl" in claim 8.

New independent claims 9 and 10 are directed to methods for the prevention of "hyperproliferative vascular disorders following vascular reconstructive surgery or transplantation" and methods for the prevention of "restenosis following vascular reconstructive surgery or transplantation," respectively. Support for new claims 9 and 10 can be found throughout the Specification, e.g., at page 12, lines 10-16; and in claims 5 and 6 as originally filed. As suggested by the Examiner, claims 9 and 10 recite the gerund "preventing" instead of the gerund "inhibiting."

Support for new dependent claim 11 can be found throughout the Specification, e.g., at page 12, lines 10-16; and claim 7 as originally filed.

New claims 12, 16, 20, 24, and 28 include the subject matter of claim 2 as originally filed (now issued claim 2 in U.S. Patent 6,664,243). New claims 13, 17, 21, 25, and 29 include the subject matter of claim 3 as originally filed (now issued claim 3 in U.S. Patent 6,664,243). New claims 14, 18, 22, 26, and 30 include the subject matter of claim 4 as originally filed (now issued claim 4 in U.S. Patent 6,664,243).

Support for new claims 15, 19, 23, 27, and 31 can be found throughout the Specification, e.g., at page 12, line 24 through page 13, line 2; and claim 9 as originally filed.

Finally, the Specification has been amended to update priority information as required by the Examiner.

No new matter is introduced by these amendments.

Rejections under 35 U.S.C. 112, first paragraph

The Examiner rejected claims 5 and 6 for failure to satisfy the enablement requirements of 35 U.S.C. § 112, ¶1. Applicants request that the rejection be reconsidered and withdrawn.

According to the Examiner (Office Action pages 2 and 4):

Claims 5 and 6 recite methods of treating or inhibiting proliferative disorders. Typically 'inhibition' is used regarding processes, such as the underlying mechanism causing a disorder, and 'prevention' or 'prophylactic treatment' is used regarding the disorder or disease, per se. In these claims, it would appear that 'inhibiting' is used to mean 'preventing.' ... Claims 5 and 6 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for prevention of hyperproliferative vascular disorders (such as restenosis), does not reasonably provide enablement for prevention of such disorders in the general population. ... Regarding the methods for 'inhibiting' (or preventing) particular disorders, Applicants might consider deleting 'or inhibiting' from claims 5 and 6 and add claims drawn to prevention of hyperproliferative vascular disorders (or restenosis) wherein the method is limited to patients who have undergone vascular or transplantation surgery. These claims would be considered enabled and free of the art.

Applicants respectfully disagree with the grounds for the rejection. However, to expedite prosecution, claim 5 as currently amended is now directed to a method of "treating hyperproliferative vascular disorders" instead of "treating or inhibiting hyperproliferative vascular disorders." Likewise, claim 6 as currently amended is now directed to a method of "treating restenosis" instead of "treating or inhibiting restenosis." However, the foregoing amendments are not to be construed as acquiescence on the part of Applicants to the grounds for rejection.

Applicants respectfully request that the rejection be withdrawn and not be applied to new claims 9-31.

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Rejections under 35 U.S.C. 112, second paragraph

The Examiner rejected claims 5-8 rejected under 35 U.S.C. § 112, ¶2 because "[t]he claims recite a definition of variables R¹ through R⁸ that includes both 'acyl of 2-7 carbon atoms' and 'benzoyl.'" This rejection is moot in view of the amendment to claims 5, 6, and 8.

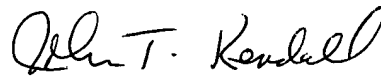
CONCLUSION

Applicants submit that all claims are in condition for allowance.

Enclosed is a \$120 check for the One Month Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No.: 16156-044001.

Respectfully submitted,

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